



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/255,892 02/23/99 BOICE C EN998082

KEVIN P RADIGAN
HESLIN & ROTHENBERG
5 COLUMBIA CIRCLE
ALBANY NY 12203-5160

TM02/1107

EXAMINER

AN, S

ART UNIT

PAPER NUMBER

2613

DATE MAILED:

11/07/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

Mailed

NOV 07 2000

Technology Center 2600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 12

Application Number: 09/255,892

Filing Date: 2/23/99

Appellant(s): Boice et al

Kevin P. Radigan, Esq.

For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed on 10/11/00 as Paper 16.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

Art Unit: 2613

(2) *Related Appeals and Interferences*

A statement is present identifying that there are no related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

Art Unit: 2613

(7) *Grouping of Claims*

The appellant's statement in the brief that claims 1-29 do not stand or fall together is agreed with by the Examiner.

(8) *Claims Appealed*

The copy of the appealed claims contained in the appendix to the brief is correct.

(9) *Prior art of record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,825,680	Wheeler et al	10/20/98
5,422,736	Katayama	6/6/95
5,530,478	Sasaki et al	6/25/96
5,987,179	Rick et al	11/16/99
5,796,438	Hosono	8/18/98

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Art Unit: 2613

Claim 29 is rejected under 35 U.S.C. 102(e) as being anticipated by Wheeler et al (5,825,680) as was previously set forth in the last Office action of 5/5/00 as Paper 7, and also made final on 5/5/00 in the Office action as Paper 7.

Claims 1-4, 10-12, 18-20, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katayama (5,422,736) in view of Wheeler et al (5,825,680) as was previously set forth in the last Office action of 5/5/00 as Paper 7, and also made final on 5/5/00 in the Office action as Paper 7.

Claims (5, 6, 9), and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katayama and Wheeler et al as applied to claims 1 and 18 above, respectively, and further in view of Sasaki et al (5,530,478) as was previously set forth in the last Office action of 5/5/00 as Paper 7, and also made final on 5/5/00 in the Office action as Paper 7.

Claims 7-8 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katayama and Wheeler et al as applied to claims 1 and 18 above, respectively, and further in view of Rick et al (5,987,179) as was previously set forth in the last Office action of 5/5/00 as Paper 7, and also made final on 5/5/00 in the Office action as Paper 7.

Claims 13-17 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katayama and Wheeler et al as applied to claims 1 and 18 above, respectively, and further in view of Hosono (5,796,438) as was previously set forth in the last Office action of 5/5/00 as Paper 7, and also made final on 5/5/00 in the Office action as Paper 7.

Art Unit: 2613

(11) Response to Argument

Appellant's arguments filed on 10/11/00 in the brief of Paper 11 have been fully considered but they are not persuasive. The Appellants present arguments contending the Examiner's rejections of: claim 29 under 35 U.S.C. 102(e) as being anticipated by Wheeler et al (5,825,680) as was previously set forth; claims 1-4, 10-12, 18-20, and 23-25 under 35 U.S.C. 103(a) as being unpatentable over Katayama in view of Wheeler et al as was previously set forth; claims (5, 6, 9), and 21 under 35 U.S.C. 103(a) as being unpatentable over Katayama and Wheeler et al as applied to claims 1 and 18 above, respectively, and further in view of Sasaki et al (5,530,478) as was previously set forth; claims 7-8 and 22 under 35 U.S.C. 103(a) as being unpatentable over Katayama and Wheeler et al as applied to claims 1 and 18 above, respectively, and further in view of Rick et al (5,987,179) as was previously set forth; and claims 13-17 and 26-28 under 35 U.S.C. 103(a) as being unpatentable over Katayama and Wheeler et al as applied to claims 1 and 18 above, respectively, and further in view of Hosono (5,796,438) as was previously set forth in the last Office action of 5/5/00 as Paper 7, and also made final on 5/5/00 in the Office action as Paper 7. However, after careful consideration of the arguments presented, the Examiner must respectfully disagree for the reasons that follow and submit to the board that the rejection be sustained.

A) After summarizing Katayama and Wheeler et al's reference, the Appellants present a first argument pertaining to the Wheeler et al's reference asserting that Wheeler et al fails to uncover any discussion of switching between sets of tables (page 9, lines 3-4) and Katayama's reference

Art Unit: 2613

asserting that Katayama fails to disclose the use of multiple sets of tables (page 11, lines 5-7) as recited in claims 1, 13, and 29 of the present application. The Examiner respectively disagrees. The examiner directs Appellant's attention to the Wheeler's MQ quant value ranging from 1 to 31.... and that by assigning MQ quant values via software, the invention retains the flexibility to dynamically update (switching) the bit allocation method during operation of the CPU (Wheeler: Col. 9, lines 25-36). Each value of the MQ quant corresponds to a quantization table (Wheeler: Fig. 7, 690). Based on MQ quant values there are 31 different Q values that could be presented. What this basically means is that if a 8 bit resolution was used, there would be fewer Q values in the quantization table than if all 32 bits of Q values were needed. This can also be seen from the updating of the table from PCI unit. Again the "different tables" exists since not all the tables have the same number of Q values. Furthermore, Wheeler discloses that CPU is responsible for loading all Q table entries... and during encode and decode, the CPU loads the tables as required. Thus, the CPU is responsible for updating (switching) Q tables (implies multiple sets of Q tables) on video stream context switches (Wheeler: Col. 13, lines 28-32), which clearly meets the switching between sets of tables as recited in claims 1, 13, and 29. As per Appellant's argument regarding Katayama failing to disclose the use of multiple sets of quantization tables, the Examiner relies on Wheeler et al's reference as discussed above.

B) The Appellants present another argument of which the Katayama inherently teaches away from the proposed combination with Wheeler et al.... and request reconsideration and withdrawal of the obviousness rejection.... (page 13, lines 3-6). The Examiner respectively disagrees.

Art Unit: 2613

The Examiner concurs with the Appellant's notion that Katayama is describing encoding of still photographs which may contain character information (page 12, lines 5-6) and that encoding of still photographs is significantly different than encoding motion video (page 12, lines 21-22). However, Wheeler et al clearly teaches utilizing quantization tables either in MPEG or JPEG (implies a still photograph) (Wheeler: Col. 13, lines 20-24). Therefore, it is still considered obvious to a person of ordinary skill in the relevant art employing an encoder as taught by Katayama to incorporate a conventional quantization matrix tables comprising an intra table and a non-intra table as taught by Wheeler et al to manipulate the desired level of image quality.

For the reasons discussed above, it is believed that the rejection should be sustained.

Respectively Submitted;



CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
Christopher Kelley

Supervisor

Primary Patent Examiner


Art Unit 2613

Application/Control Number: 09/255,892

Page 8


Art Unit: 2613

ANDY RAO
PRIMARY EXAMINER


Anand Rao

Primary Patent Examiner

Art Unit 2613

Shawn An 

Assistant Patent Examiner

Art Unit 2613

November 3, 2000

Application/Control Number: 09/255,892

Page 9

Art Unit: 2613

Kevin P. Radigan, Esq.

Attorney for Applicants

HESLIN & ROTHENBERG, P.C.

5 Columbia Circle

Albany, NY 12203

Tel: (518) 452-5600

Fax: (518) 452-5579